

## SUIT AGAINST BANANA TRUST.

A RIVAL COMPANY ASKS FOR \$2,000,000 DAMAGES.

Alleged United Fruit Company is an illegal monopoly and that it induced the Costa Rican Government to send soldiers to seize a Rival Plantation.

In a suit against the United Fruit Company filed yesterday in the United States Circuit Court, the American Banana Company, an Alabama corporation, alleges that the defendant company has secured a monopoly of the banana trade by unfair methods, asks indirectly that the boundary dispute between Panama and Costa Rica be settled and demands \$2,000,000 damages. The plaintiff corporation alleges that the defendant corporation was organized on March 30, 1899, by consolidating twelve large concerns and a number of individuals who had previously been engaged in active competition for the banana trade. Four of these concerns imported bananas from the West Indies, while the others dealt only in Central and South American products.

The purpose of this consolidation, it is alleged, was to secure a monopoly of the banana trade and regulate the supply and prices of bananas imported into this country. The capital of the defendant corporation is said to be \$20,000,000. Of this \$11,000,000 was actually subscribed, and this amount was subsequently increased to \$15,750,000. In 1899 and 1900, it is alleged, the defendant bought out a number of competitors and extracted from them the promise not to engage in the banana trade again. These concerns included the Belize Royal Mail and Steamship Company, S. Oteri, John S. Woods, the Snyder Banana Company, the Boston Fruit Company, the American Fruit Company, the Quaker City Fruit Company and others. By this means, it is alleged, competition in the banana trade was killed and the defendant secured a monopoly.

In consequence of this monopoly, it is further charged, the West India Fruit Company, the Monumental Fruit Company and Berger & Son went out of business, while the Eureka Banana and Development Company failed and was bought by the defendant.

It is further alleged that during 1899 the defendant made contracts with most of the firms still in the business regulating prices and the amount of bananas to be imported by each, and that later the Fruit Dispatch Company was organized, which was to act as the selling agent of all the concerns in the agreement and sell at a fixed price. The stock of this concern, the complaint says, is held by the defendant corporation.

It is further alleged that the defendant entered into similar agreements regarding the amount and price of bananas to be imported with a number of other fruit concerns that did not enter the Fruit Dispatch agreement.

The chief competitor left, Comas & McConnell, the defendant says, was soon so reduced that it agreed to a reorganization whereby Andrew W. Preston, an officer of the defendant company, was to hold one share more than half the stock of the concern and to have power to elect three of the five directors. Later the Fruit Dispatch Company made the exclusive selling agent of the new Comas-McConnell Company.

By these means, it is asserted, and by making long time contracts with banana firms in the United States a complete monopoly was gained and all competition killed.

In the spring of 1904, it is charged, and in direct violation of United States statutes, the defendant tried to induce the Republic of Panama to grant it exclusive shipping privileges in the Changuinola and Sixola districts.

A year earlier, it is alleged, Herbert L. McConnell started a banana plantation along the banks of the Sixola River and in conformity with the laws of Colombia. He also began the construction of a railway to the seaport of Gadoacan. It is also set forth that Gov. Duran of the Department of Panama for the United States of Colombia granted to one Romero the concession for a railway from Gadoacan to the seaport of Gadoacan, which concession after being approved by the Colombian Congress was transferred by Romero to McConnell.

On June 25, 1903, Gov. Duran, it is alleged, recommended to his Government that Costa Rica, which also claimed the territory through which this railway was to run, be allowed to administer the laws there. Soon afterward, it is stated, he resigned his Government and became an attorney for the defendant company.

The most startling accusation made by the plaintiff is to the effect that the defendant induced the government of Costa Rica to send soldiers to seize H. L. McConnell's plantation. The soldiers were withdrawn in three months, McConnell then sold the plantation to the plaintiff and six months later, in July, 1904, more Costa Rican soldiers seized the place and hold it to this day. They also held a shipload of supplies they seized and have stopped all work on the railway.

It is further alleged that in 1900 the Costa Rican Government awarded the plantation to Jose Aguilar, its Secretary of Foreign Relations, the title being confirmed by the Congress. Aguilar then transferred the plantation to C. R. Minor, an agent for the defendant.

The plaintiff states that it expended \$400,000 on the plantation, which came into full bearing in October, 1905; that the fruit rot on the trees, as planted in 1900, was so bad that it was not worth the cost to ship it, while at the same time it was to employ a force of men to keep the plantation in shape.

Had it not been for this opposition, the complaint declares, the plaintiff would have cleared \$64,500 a month, from October, 1905, to the present. It is also declared that the seizure of the railway right of way, in view of these things, the \$2,000,000 damages are asked for through Wheeler, Curtis & Haight, the plaintiff's lawyers.

The reply to these charges, which was also filed yesterday, admits the statements as to the defendant's incorporation and capitalization and the failure of the concerns mentioned, but denies any responsibility in the matter. It also denies that any contracts were made in restraint of trade or that a promise was extracted from the concerns bought out that they would not engage in the banana trade again.

The answer admits that McConnell made a plantation along the Sixola River, but avers that McConnell had no right so to do, as the land was part of the national land of Colombia and was not susceptible of private ownership, all laws to that effect having been abrogated by executive decree in 1891, so far as the Department of Panama was concerned, and that McConnell had no right to build a railway, as he had no concession from either Colombia or Costa Rica.

Both countries claim the land on which this railway was to be built, it is further stated, and the boundary dispute was referred in 1890 to the President of France, who gave a decision by which the lands on the north bank of the Sixola, which include the property in dispute, were awarded to Colombia. It was also stated that the defendant company always exercised authority there and the award was unsatisfactory. It was also stated that it could not be executed and the boundary question is still under negotiation between the two nations. Meanwhile Panama established its independence and conceded to Costa Rica its sovereignty rights over the disputed territory.

The concession granted to Romero by

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Dainty Crepe de Chine Dresses—appropriate for evening or street wear; we have only a small quantity of these, but every one is a beautiful example of rich designing and good tailoring and is made with an attractive drop silk skirt; they are made of fine quality crepe de chine; the waist is a fluffy blouse style trimmed with lace and has short, elbow sleeves; specially priced for Monday at **\$25**



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## DAY OF DAYS FOR NIPPONESE.

BANZAIS FOR HIS SACRED MAJESTY'S 53TH BIRTHDAY.

Vice-Consul Nagi Presides at a Dinner. Columbia Students Eat Fish Raw and Roasted, and Others at Tatsu Mizoguchi's Watch the Rice Planting Dance.

His Majesty the Emperor of Japan was 54 years old yesterday. As a consequence, wherever two or three loyal Japanese met it was "Banzai Nippon" thrice repeated and then home.

November 3 is a great day in Japan. Over there they hang out strings of red and white lanterns on bamboo poles, shoot out of bamboo cannons parades of red and white tissue paper and linger long over the sake in the tea-houses at night. The honorable police do not arrest if one gets tangled up on the way home. In New York one cannot shoot off the bamboo cannons with convenience, nor can one drink too much sake without danger of being arrested by the honorable police. But one may celebrate the birthday of Daikoku with much rejoicing.

Yesterday morning Horri, the soft footed houseboy, asked for a day off; it was a friend that was very sick. The gentleman banker hurried home to get into his proper clothes at the tick of three. Before night-fall there were celebrations at a dozen different places throughout the city, and the exchange of paper fans, wrapped up in tissue and tied with a gift knot, was made with much sucking in of the breath.

The "high collar," as the irreverent in Japan are wont to dub those who dress in the height of foreign fashion, assembled at the Hotel Majestic at 6 o'clock to attend a banquet given by Vice-Consul M. Nagi. Among those who sat down to the tables, flower decked according to the accepted Occidental fashion, were the heavy business men of the city, bankers, lawyers and doctors.

It was very formal. Vice-Consul Nagi presided. Speeches were made when the champagne was passed and toasts were drunk to the Emperor and to the President of the United States. At the end they all stood and sang the national anthem, the Kimigayo.

May our Emperor's domain continue till a thousand years have passed. One thousand years and eight the said. Until the pebble becomes a rock and the rock is covered with green moss.

Hardly as stiff as the Vice-Consul's dinner, yet distinctly a "high collar" celebration was that held by the Japan Club of Columbia University at a Japanese restaurant at 41 East Nineteenth street. Here twenty of the Japanese students sat down to a banquet that was almost as good as the famous Maple Club in Tokyo sets out, only the charming little *nessuna* that pattered across the matting in the Shiba Ingle, all radiant in their flowered kimonos and gossamer obi, were lacking.

It was a Japanese menu that the Columbia students discussed, served in the home style. There was the raw fish, delicately sliced and decorated with the spray of lacquer bowls, were one dips the sticks and angles for the tender ginger shoots. Roast fish with soy, grilled fish and fish chowder followed, then the rice with the malodorous daikon in slices, and finally a steaming hot from the bamboo jackets.

The Columbia students topped off their banquet with the singing of old classic verse—intermittent songs of an antiquity that makes "Cherry Chase" seem a youngster. The ancient ballads are divided into all night songs. One sings until midnight and then leaves off the rest of the verses for some future date.

If the "high collar" did honor to the Emperor in a rigid "high collar" manner it was in the little back room of a dingy Japanese restaurant over on Sands street in Brooklyn that the fun ran the whole rollicking line. Tatsu Mizoguchi owns this restaurant, Tatsu who used to keep a waiting house out in the Tokyo Yoshiwara. And Tatsu knows how to please his guests.

Last night there were twenty Nippon men and women squatting around on the floor in Tatsu's back room. No chairs for them; it was good to get down on the floor again, where the little tables for food could be placed before each one and where one felt comfortable with toes doubled under one's ankles and knees apart.

What they had for dinner at Tatsu's was not what Vice-Consul Nagi set before his guests at the Hotel Majestic, but it was eaten with boisterous fun and bub-

bling good humor. The sake Tatsu passed round in yellow gourds, as the innkeepers do out on the bank of the Sumida in cherry time back in Tokio. It was not good sake, but strong.

After the tabarets had been cleared away Hana-ko brought out her samisen and cuddled down in the corner with her wooden pick ready to rake the strings. Tatsu and Yaye, who used to be singing girls in Kio, came out from behind the shoji that Tatsu has put up between his little back room and the kitchen and made mock obeisance to the folk squatting on the mats.

Then while Hana-ko plunked minor chords on her samisen the two girls did the rice planting dance. Bending, sweeping the floor with the tips of their fingers, then pointing on one foot and swinging their arms slowly in and out, with the broad wing sleeves of their kimonos making rainbow patterns of color under their American style shirtwaists and though they have pinched their feet in American style shoes for three years, they were none the less supple and expert in their rice planting dance over at Tatsu's.

After the dance all of Tatsu's guests played fox and goose and the foolish game the *go-sha* teaches one, where she says "Hana-hana-hana-mi" and points to her eyes or her nose to mislead you. Then they all drank more of Tatsu's sake, very hot, and later still more of the yellow stuff, still hotter.

That is maybe the reason why Horri, the soft footed houseboy, will not show up on his job this morning.

MIKADO WELL ON BIRTHDAY. Ambassador Wright Makes Congratulatory Address to the Emperor.

Special Cable Despatch to THE SUN.

TOKIO, Nov. 3.—The Emperor's fifty-fourth birthday was celebrated to-day in an appropriate manner. The weather was delightful. His Majesty, who was evidently in excellent health and spirits, attended the usual military review at noon and a banquet at the palace in the evening. At the latter function Luke E. Wright, the American Ambassador and the dean of the Diplomatic Corps, made a congratulatory address to the throne.

There was a birthday ball later in the evening at the official residence of Viscount Hayashi, the Minister of Foreign Affairs. This was a brilliant function. It was attended by 2,000 leading Japanese and foreign residents. This was the largest gathering of the kind since the close of the Russo-Japanese war.

PEKIN, Nov. 3.—Viscount Hayashi gave a reception to-day in honor of the birthday of the Emperor of Japan. The gathering of the Japanese legation celebrated the anniversary with enthusiasm. The control of the city of Newchwang will be restored to China this month.

## CHANGES IN P. O. DEPARTMENT.

Heads of Divisions Shifted—Fourth Class Clerk Promoted.

WASHINGTON, Nov. 3.—In continuation of the reorganization of the Post Office Department, begun in December, 1905, by Postmaster-General Cortelyou, important changes in the heads of divisions were announced to-day, as follows:

Edwin Sands of Brooklyn, N. Y., who has been superintendent of the division of registered mail since December 2, 1903, has been appointed assistant superintendent of foreign mails, New York city.

Clarence H. Buckler of Baltimore, who has been superintendent of the division of finance, has been appointed superintendent of the division of registered mails, vice Sands.

Harry H. Thompson of New Jersey, who has been disbursing clerk of the Post Office Department, has been appointed superintendent of the division of finance, vice Buckler.

William M. Mooney of Ohio, who has been superintendent of the division of supplies, has been appointed assistant superintendent of the division of finance, vice Thompson.

Richard Perry Covert of Wisconsin, who has been chief of the division of appointments, has been appointed superintendent of the division of supplies, vice Mooney. Everett Partridge, fourth class clerk, has been appointed assistant superintendent of the division of finance, vice Covert. In making these promotions the Postmaster-General was guided wholly by the peculiar fitness of and the meritorious services which have been heretofore rendered by the appointees, and in the belief that their varied training makes each one specially adapted to the line of service to which he has been assigned.

## PLANS FOR A BIG BATTLESHIP.

THE MOST POWERFUL WARSHIP IN THE WORLD.

To Be of 20,000 or 20,500 Tons, Armed With Ten or Twelve 12 Inch Guns, All on a Centre Line, Giving a Broadside of All the Guns—Secondary Battery.

WASHINGTON, Nov. 3.—Either of the plans submitted by the bureau of construction for the large new battleship which is to be constructed will if carried out give the navy of the United States the most powerful battleship in the world, according to the views of those who know what the plans are. The plans, together with others submitted by outsiders, are now under consideration by a special board appointed by Secretary of the Navy Bonaparte.

One of the propositions of the Navy Department provides for a ship of exactly 20,000 tons displacement and the other for a floating fort of 20,500 tons displacement. Either plan, it is confidently expected, will give to the American navy a warship far more powerful than the famous English Dreadnought, the recently built man of war which has set all navies to rushing the construction of huge ships.

The Dreadnought carries ten twelve inch guns, while her secondary battery is, in considerable. One of the plans for the new American 20,000 ton ship provides for ten twelve inch guns and the other for twelve twelve inch guns. In the first plan provision is made for the ten twelve inch guns mounted in double gun turrets, all on a centre line, thus giving a broadside of all the guns. A battery of twelve five inch guns, to be known as the torpedo defence battery, is another feature.

In the plans for the 20,500 ton vessel there are twelve 12 inch guns, in six turrets, all on the centre line. Not all the turrets, however, will be on the same deck, provision being made for the centre turrets of the group to be 45 feet above the water line. The second also provides for sixteen 5 inch guns for torpedo defence, the battery to be protected by five inches of armor. The most serious criticism of the designs for this ship is that none of the 5 inch guns can be fired stern, and only two command a fire over the bow. This would tend to make the vessel vulnerable to torpedo attack from the stern and would make defence of a torpedo attack straight ahead very difficult.

Altogether the board which has been appointed by Mr. Bonaparte has seven plans to consider. The one considered most desirable will be sent to Congress by the Navy Department in accordance with the resolution of last session providing for the construction of a big battleship, but not before Congress was given an opportunity to see the plans.

## To Be Appointed Cadets in the Revenue Cutter Service.

WASHINGTON, Nov. 3.—The following list of applicants for appointment as cadets in the revenue cutter service have passed the examination required by the Secretary of the Treasury and will be appointed:

Warner K. Thompson, Ames, Ia.; Gordon T. Finlay, Battle Creek, Mich.; Charles G. Roemer, Baltimore, Md.; Arthur A. Laughlin, Waterville, N. Y.; George B. Baurel, New York city; Philip M. Lynningstedt, Washington, D. C.; Eugene A. Coffin, Bayonne, N. J.; Roy Munro, Detroit, Mich.; William P. Walker, Seattle, Wash.; Edward A. Blair, College Park, Md.; Charles H. Forward, Berkeley, Cal.; Charles J. Browne, Washington, D. C.; William Williams, New York city; Ezra S. Fish, Berkeley, Cal.

## Army and Navy Orders.

WASHINGTON, Nov. 3.—These army orders were issued to-day: First Lieut. Clarence M. Condon, artillery, from duty as transport quartermaster to Ohio Wesleyan University, Delaware, Ohio.

First Lieut. Robert M. Beck, Jr., Twelfth Cavalry, from New York city to Jeffersonville, Ind. Capt. Henry G. Lyon, Seventh Infantry, detailed for service in pay department. Assistant Surgeon P. P. Brown, Second Cavalry, to West Point Academy. Captain R. W. Springer, artillery, from Fort Washington to Fort Snider.

These navy orders were issued: Capt. C. E. Fox, to duty as president of the general court martial, navy yard, Washington.

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INVITE PARTICULAR ATTENTION TO THEIR CHOICE SELECTION OF

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AN EXCLUSIVE ASSORTMENT OF THE LATEST MODELS IN THE NEWEST FABRICS, FOR STREET, CALLING, RECEPTION AND THEATRE WEAR.

To-morrow, Sale of

Velveteen Walking Suits,

in prevailing shades, entire suit trimmed with braid Coat Satin lined, Skirt pleated, Real Value \$39.00

\$27.50

## Colored &amp; Black Dress Goods

Special Offering of

2000 Yds. Fancy Woven Cheviots,

54 ins. wide, in plain street shades and black,

at 78¢

Regular Price \$1.50 Yd.

To-morrow, will be placed on sale an Important Purchase of

## 11,000 Yds. Novelty Flannels

in new and desirable designs, woven checks, stripes and figures, suitable for waists, wrappers and children's dresses,

29¢

Value 60c Yard

## Misses' and Girls' Wear

Misses' Tailor-made Suits, twenty-two inch Semi-fitted Coat,

of wool plaids in newest designs, lined and interlined,

very stylish suit, 14 and 16 yrs.,

at \$29.75

Misses' Evening Coats, of black, white, grey, light

blue, red and tan broadcloth, neatly trimmed with

silk braid, silk lined throughout, 14 and 15 yrs.,

at \$21.50

Girls' Cloaks, of red, green, navy and brown broadcloth,

opposum or other shawl collars, quilted satin

linings, nicely tailored, 8 to 14 yrs.,

at \$23.50

Girls' Dresses, of red, blue and green plaids, trimmed with braid,

low neck model, with separate White Guimpes, 6 to 14 yrs.,

11.50

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6 ft. Widths 7 ft. Widths

Saruk, 6 ft. 9x9 ft. 6, \$220.00 Tebriz, 7 ft. 2x10 ft. 1, \$200.00

Saruk, 6 ft. 4x10 ft. 7, 230.00 Tebriz, 7 ft. 3x10 ft. 7, 215.00

Kirman, 6 ft. 8x9 ft. 9, 235.00 Saruk, 7 ft. x10 ft. 235.00

Saruk, 6 ft. 10x10 ft. 2, 240.00 Kirman, 7 ft. 6x10 ft. 6, 280.00

Former Prices \$300.00 to 400.00

8 ft. Widths 9 ft. Widths

Tebriz, 8 ft. 9x11 ft. 9, \$290.00 Tebriz, 9 ft. x12 ft. 3, \$295.00

Saruk, 8 ft. 5x11 ft. 8, 375.00 Saruk, 9 ft. x12 ft. 365.00

Kirman, 8 ft. 8x11 ft. 10, 335.00 Kirman, 9 ft. x12 ft. 6, 415.00

Kirman, 8 ft. 8x12 ft. 5, 390.00 Kirman, 9 ft. x13 ft. 6, 440.00

Former Prices

Former Prices

\$400.00 to 500.00

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Table, Bureau and Chiffonier Covers,

At Large Reductions

Italian Fillet Lace Curtains,

\$125.00, 150.00, 250.00 to 500.00 Pair

Italian Fillet Stores,

\$2.50, 75.00, 110.00 to 225.00 Each

Italian Fillet Bed Sets,

\$80.00, 195.00, 225.00 to 375.00 Set

West Twenty-third Street